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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 06/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/805,534

Applicant(s)  
Siegel et al

Examiner  
Etienne P LeRoux

Art Unit  
2171



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 12, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Mar 13, 2001 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Specification Objection*

1. The disclosure is objected to because of omission of the following:

(a) Background of the Invention.

1. Field of the Invention.

2. Description of the Related Art including information disclosed under 37

CFR 1.97 and 1.98.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by USPAT

5,913,210 to Call (hereafter Pat '210).

Regarding claims 1, 12, and 15, Pat '210 discloses:

associating a first code with a first characteristic of a product [col 8, lines 43-53]

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associating a second code with a second characteristic of the same product [col 8, lines 43-53]  
storing a first characteristic value associated with the first characteristic [col 9, lines 20-24],  
storing a second characteristic value associated with the second characteristic [col 8, lines 48-53]  
associating the identity of a first entity with at least one of the codes [col 9, lines 36-38],  
changing at least one of the characteristic values [col 9, lines 20-35],  
retrieving the identity of the first entity based on the association with the code associated with the  
characteristic with the changed value [col 9, lines 1-19]  
sending the changed value to the first entity [col 9, lines 36-56]  
a processor [searchable databases, abstract]

Regarding claim 2, Pat '210 discloses retrieving the identity of the second vendor based  
on the code associated with the characteristic having the changed value and sending the changed  
value to the second entity [col 10, lines 32-45]

Regarding claim 3, Pat '210 discloses the first entity automatically receives changes upon  
retrieving the identity of the first vendor col 10, lines 46-50]

Regarding claim 4 and 14, Pat '210 discloses sending the changed value by e-mail [col 4,  
lines 44-52 and col 7, lines 7-10].

Regarding claim 5, Pat '210 discloses retrieving the electronic address of the first entity  
[col 4, lines 10-26]

Regarding claim 6, Pat '210 discloses:  
providing product data [col 2, lines 15-23]

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providing destination data [col 2, lines 15-23]

changing product data [col 9, lines 20-30]

creating a first entity based on the product data, the destination data [col 10, lines 1-45]

transmitting the modified information [col 8, line 66 through col 9, line 19]

Regarding claims 7 and 11, Pat '210 discloses transmitting information between computers over a network [col 10, line 1 and col 2, line 19]

Regarding claims 8 and 11, Pat '210 discloses the Internet [col 2, lines 19, 29]

Regarding claims 9 and 18, Pat '210 discloses a service [col 2, lines 33-47]

Regarding claim 10, Pat '210 discloses:

a server [abstract]

server accesses product codes [col 2, lines 27-33]

server accesses values representative of a characteristic [col 4, line 20]

server accesses destination addresses [col 4, lines 15 - 26]

processor for executing instructions [col 3, lines 47-60]

Regarding claim 13, Pat '210 discloses updating a value [col 9, lines 20-25]  
automatically receiving changes [col 10, lines 37-45], retrieving the identity [col 7, lines 7-10]

Regarding claim 16, Pat '210 discloses one or more servers [abstract]

Regarding claim 17, Pat '210 discloses a seller [Fig 1, 107, 103], a buyer [Fig 1, 107, 109]

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*Response to Arguments*

3. Applicant's arguments filed in amendment A dated 6/12/2003, have been fully considered but they are not persuasive.

Applicant states in the first paragraph on page 7, "Regarding claims 1, 12 and 15, the examiner asserted that the Call reference discloses "sending the changed value to the first entity [col 9, lines 36-56]. With regard to claim 6, the examiner indicated that 'transmitting the modified information' was disclosed by Call at col 8, line 66 to col 9, line 9. Applicants respectfully traverse the examiner's rejection." Examiner is not persuaded. Examiner maintains Call reads on the above claim limitations as indicated in above office action. However, in order to strengthen the rejection, examiner below points out below how claim 1 of the Call reference reads on instant invention, and in particular on 'sending the changed value to the first entity' and 'transmitting the modified information.'

With reference to claim 1 of the Call reference:

associating a first code with a first characteristic of a product [**first universal product code in a first computer**]

associating a second code with a second characteristic of the same product [**first network address**]

storing a first characteristic value associated with the first characteristic [**product weight col 8, line 18**]

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storing a second characteristic value associated with the second characteristic [**product volume, col 8, line 19**]

associating the identity of a first entity [**first manufacturer**] with at least one of the codes [**first universal product code**]

changing at least one of the characteristic values [**cross-reference between said first universal product code and said first network address**]

retrieving the identity of the first entity based on the association with the code associated with the characteristic with the changed value [**first universal product code of the first product**]

sending the changed value to the first entity [**said response being transmitted by said third computer via said network to said fourth computer**]

Furthermore, with respect to 'sending the changed value to the first entity' applicant is referred to Call's disclosure in col 1, lines 52-65:

Utilizing the principles of the invention, resellers, potential customers, analysts, service and support personnel, end-users and others can obtain and use detailed, accurate and up-to-date information about any product of interest made available in this way by a participating manufacturer. Online resellers can display lists of products in response to search requests from customers, and provide the customer with detailed information about any listed product by incorporating links to the product information made available by the participating manufacturers. Searchable databases may be readily compiled by obtaining and indexing product description data which is retrieved from the manufacturer's Internet sites using the Internet addresses provided by the product code translator.

Still further with respect to 'sending the changed value to the first entity' applicant is referred to Call's disclosure in col 6, lines 21-30:

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Note also that, because URL/IP address assignments may be added, altered or deleted on a daily basis by InterNIC (the URL assignment authority), updates to the DNS tables should also be reflected by automatic updates to the cross-reference table IP-address fields. In this way, a change in URL/IP address assignments propagated in the DNS system require no additional action on behalf of the manufacturers to insure the continuing ability of the product code translator to produce the appropriate IP addresses in response to universal product code queries.

With respect to 'transmitting the modified information' applicant is referred to Call's disclosure in col 6, lines 53-62:

When an incoming query is received by the query handler 204, a table lookup function is performed by searching the cross-reference table 215 for a row record or records which specify a set of universal product codes which include the code or codes specified by the query. If matching row(s) are found, the IP-address(es) found in the matching row(s) are returned to the query submitter otherwise a special code (such as a zero valued IPAddress ) is returned to indicate that information for the product code(s) of interest has not been registered

Applicant states in the second paragraph of page 8, "In contrast, claims 1, 12, and 15 all recite either means for or method including "sending the changed value to the first entity." In addition, claim 6 recites 'transmitting the modified information about the product or a service to the first entity.' Claim 10, as amended, now recites 'sending a communication including a changed characteristic value to the address when the value of a characteristic is changed.' The changed value or modified information is related to a characteristic value of the product, not the address of any entity." Examiner is not persuaded. With regard to 'sending the changed value to the first entity,' and with regard to 'transmitting the modified information about the product or a service to the first entity' examiner refers applicant to above discussion.



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With regard to 'sending a communication including a changed characteristic value to the address when the value of a characteristic is changed,' Call discloses in column 10, line 64 through col 11, line 10:

The structured records noted above are typically, but not necessarily, copied into a separate database which is thereafter manipulated by the requester. Because each copied database record includes a field containing the universal product code, the ability to obtain and verify data in the remainder of the record from the manufacturer's server is retained. Note that it is possible for the user of the local database to verify, update and add to the product information specified by the universal product code at the time that data is referred to or relied upon. In addition, or in the alternative, the database can be periodically updated and automatically verified against current data made available by the manufacturer and updated to insure the continued completeness and accuracy of the entire local database.

In summary, examiner compares the abstract of instant invention to the abstract of the Call reference and points out the obvious similarity.

Instant invention discloses:

A method and system of associating product codes with product characteristics and using those product codes to send and receive information about those characteristics to destinations on a network when the values of those characteristics change."

The Call reference teaches:

An Internet system for delivering information about products from the source of those products, typically the manufacturer, to those who need that information, such as product resellers and consumers. The system employs a product code translator, which may be implemented by one or more servers accessed by the Internet. The product code translator stores cross-references between product codes and the address of Internet resources which provide information about the products designated by the codes. Web pages produced by online resellers may display lists of products in response to search requests from customers and provide the customer with detailed information about any listed product.

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***Conclusion***

The reply filed on 6/12/2003, is not fully responsive to the prior Office Action because applicant failed to correct the specification. Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne (Steve) LeRoux whose telephone number is (703) 305-0620.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached at (703) 308-1436.

Any inquiry of a general nature relating to the status of this application or processing procedure should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux

June 20, 2003



SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
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